
TOO GOOD TO BE TRUE....

A Column on Consumer Issues

by Attorney General Wayne Stenehjem's
Consumer Protection and Antitrust Division

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UNORDERED MERCHANDISE IS A FREE GIFT

You do not have to pay for merchandise you did not order. Federal laws prohibit mailing unordered merchandise to consumers and then demanding payment.

If you receive clothing, cookware, office supplies, or any other merchandise that you did not order from a company, you have a legal right to keep the shipment as a free gift.

You have no legal obligation to notify the seller that you intend to keep the unordered merchandise as a free gift. However, sending a letter stating your intention is an advisable precaution. Your letter may discourage the seller from sending you repeated bills or it may help to clear up an honest mistake. You may want to send your letter by certified mail and keep the return receipt and a copy of the letter. This will help you to establish later, if necessary, that you did not order the merchandise.

If you ever receive bills for unordered merchandise, you can use the same approach. Write a letter to the company stating that you did not order the item and, therefore, you have a legal right to keep the merchandise. Again, you may wish to send your letter by certified mail and keep the return receipt and a copy of the letter.

If you think the unordered merchandise was the result of an honest shipping error, you may write to the seller and offer to return the merchandise provided the seller pays for postage and handling. Give the seller a specific and reasonable amount of time, such as 30 days, in which to pick up the merchandise or arrange to have it returned at no expense to you. Inform the seller that you reserve the right to keep the merchandise or to dispose of it as you wish after the specified time period has passed.

There is merchandise that may be sent legally without your consent. Free samples that are clearly and plainly marked as such and merchandise mailed by charitable organizations asking for contributions may be sent legally without an order from you. In either case, you may keep such shipments as free gifts.

Be very careful about placing an order for trial items, free items, or unusually low-priced items. Your order may enroll you in some type of club, which will require you to purchase additional merchandise. For example, book and compact disk clubs will send you merchandise every six weeks if you do not return the company's reply cards. Those types of shipments are not considered unordered merchandise. Always read all the fine print before placing any order.

The Attorney General's Consumer Protection Division investigates allegations of fraud in the marketplace. Investigators also mediate individual complaints against businesses. If you have a consumer problem or question, call the Consumer Protection Division at 328-3404, toll-free at 1-800-472-2600, or 1-800-366-6888 (w/TTY). This article and other consumer information is located on our website at www.ag.state.nd.us.

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